

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES, et al.,)	
)	
Plaintiffs,)	
v.)	No. 1:23-cv-00108-LMB-JFA
)	
GOOGLE LLC,)	
)	
Defendant.)	

**JOINT MOTION FOR ENTRY OF
ORDER REGARDING COORDINATION OF DISCOVERY**

1. The parties, through their undersigned counsel, hereby respectfully move for the entry of the proposed Order Regarding Coordination of Discovery (“Coordination Order”) attached as Exhibit 1. The grounds for this joint motion are as follows:

2. As the Court is aware, a multi-district litigation with certain legal and factual similarities to this case is currently pending in the U.S. District Court for the Southern District of New York, under docket number 1:21-md-3010-PKC (the “MDL”).

3. In April 2023, the parties met and conferred over a proposed order allowing for coordination of discovery between this case and the MDL, to further the interests of judicial efficiency and reduce the burden on party and non-party witnesses. Although the parties agreed on many aspects of coordination, there remained three primary areas of disagreement between them. *See* Dkt. 166, 174, 198. On May 10, 2023, the Court resolved those disagreements and invited “the parties to prepare an order that can be entered in this action and the MDL proceeding without further delay.” *See* Dkt. 201.

4. In response to the Court’s invitation, the parties have prepared the revised Coordination Order attached as Exhibit 1. The Coordination Order includes language

implementing the principles articulated in the Court's May 10 decision, and it also incorporates many of the principles that Meta had proposed. *See* Dkt. 166-3, 166-4.

5. On May 9, 2023, Judge Castel scheduled a conference in the MDL proceeding for May 16, 2023. *See* MDL Dkt. 543, at 2 (attached hereto as Exhibit 2). Counsel for the United States attended the conference at Judge Castel's invitation. *See id.* After hearing argument from the parties in the MDL and also giving counsel for the United States in this action an opportunity to be heard, Judge Castel issued the order attached hereto as Exhibit 3, indicating that he would be prepared to enter a coordination order in the MDL contingent on certain edits to a version of the coordination order submitted by Google in the MDL the day before the conference.

6. Plaintiffs in this action and Google have conferred following the conference before Judge Castel, and believe that the attached proposed Coordination Order accurately implements this Court's ruling of May 10, 2023, as well as Judge Castel's instructions.¹

7. For all of these reasons, the parties jointly request that the Court enter the Coordination Order attached as Exhibit 1.

Dated: June 1, 2023

¹ Mindful of the Court's direction to have "a good faith consultation with Meta to see if they can agree on suggested revisions that would address Meta's concerns," Dkt. 201, at 2 n.1, Google consulted with Meta before the conference in the MDL, but certain areas of disagreement remained at the time of the conference. In light of Judge Castel's order, the parties in this matter respectfully submit that further consultation with Meta is not necessary, as Judge Castel has ruled on the coordination order in the MDL, where Meta is a party. *See* Ex. 3.

Respectfully submitted,

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